Docket No.: 283643US2PCT/phm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Kazuaki SAWADA, et al.

SERIAL NUMBER: 10/561,954 GROUP: 2878

FILED: May 17, 2006 EXAMINER: BENNETT, J. D.

FOR: MEASURING METHOD OF INCIDENT LIGHT AND SENSOR HAVING SPECTROSCOPIC MECHANISM EMPLOYING IT

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reason for Allowance in the Notice of Allowance of August 19, 2008, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance, paragraph 2 states in part:

> "Re claims 1 and 3: The prior art of record individually or in combination do not teach a method for measuring light employing a semiconductor structure and a spectroscopic sensor as claimed wherein the gate voltage is varied, the depth from the surface of the first diffusion layer in which electrons are captured is varied on the basis of wavelength and intensity of the incident light, and a current indicating the quantity of the electrons is measured, wherein a light intensity Φ at a depth x from the surface of the first diffusion layer is determined on the basis that the light intensity is exponentially attenuated when light is incident on the first diffusion layer, the ratio of the intensity of the incident light absorbed to a depth W from the surface of the first diffusion layer in which electrons are captured to the intensity of the incident light absorbed to the whole depth of the diffusion layer is determined, and a current generated to the depth W is determined, thereby measuring wavelength and intensity of the incident light."

It is respectfully noted that independent Claims 1 and 3 do not include all of the steps and elements recited above. For example, Claim 1 does not include a reference to "spectroscopic sensor". Claim 3, being an apparatus claim, does not recite the method steps recited above and does not include a reference to "the gate voltage is varied, the depth from the surface of the first diffusion layer in which electrons are captured is varied on the basis of wavelength and intensity of the incident light". Accordingly, it is respectfully submitted that the above-quoted statement does not apply to the independent claims.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599

Ronald A. Rudder, Ph.D.
Registration No. 45,618

James J. Kulbaski
Registration Number 34,648

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/04)

I:\ATTY\JSI\COMMENTS\283643US.DOC